

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 36375 & 36376

STATE OF IDAHO,)	2009 Unpublished Opinion No. 696
)	
Plaintiff-Respondent,)	Filed: November 24, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
RANDALL JAMES RADEN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Darla W. Williamson, District Judge.

Judgments of conviction and concurrent unified sentences of fifteen years, with a minimum period of confinement of three years, for domestic battery in the presence of children; eight years, with a minimum period of confinement of three years, for burglary; and five years, with a minimum period of confinement of three years, for intimidating a witness, affirmed; orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

In Docket No. 36375, Randall James Raden pled guilty to domestic violence in the presence of children. I.C. §§ 18-903(b), 18-918(2), 18-918(4). In Docket No. 36376, Raden pled guilty to intimidating a witness, I.C. § 18-2604, and burglary, I.C. § 18-1401.¹ In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Raden to

¹ Raden also pled guilty and was sentenced for violation of a no-contact order. However, he does not challenge this judgment of conviction or sentence on appeal.

concurrent unified sentences of fifteen years, with a minimum period of confinement of three years, for domestic battery in the presence of children; eight years, with a minimum period of confinement of three years, for burglary; and five years, with a minimum period of confinement of three years, for intimidating a witness. Raden filed I.C.R 35 motions, which the district court denied. Raden appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Next, we review whether the district court erred in denying Raden's Rule 35 motions. A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). In conducting our review of the grant or denial of a Rule 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1987); *Lopez*, 106 Idaho at 449-51, 680 P.2d at 871-73. Upon review of the record, we conclude no abuse of discretion has been shown.

Therefore, Raden's judgments of conviction and sentences, and the district court's orders denying Raden's Rule 35 motions, are affirmed.